



City of Seattle
Gregory J. Nickels, Mayor
Department of Planning and Development
D.M. Sugimura, Director

**CITY OF SEATTLE
ANALYSIS AND DECISION OF THE DIRECTOR
OF THE DEPARTMENT OF PLANNING & DEVELOPMENT**

Project Number: 2006388
Address: 1400 First Avenue West
Applicant: Joseph Kolmer for The Union Group

SUMMARY OF PROPOSED ACTION

Master Use Permit application for the construction of a six (6)-story residential building containing 20 residential units. Accessory parking for 40 vehicles will be provided at and below grade within structure. The project includes combining four separate lots containing residential and commercial uses into one development site. The project includes also includes demolition of 4 existing structures and approximately 660 cubic yards of grading.

The following Master Use Permit components are required:

Administrative Design Review - Section 23.41, Seattle Municipal Code (SMC) with Development Standard Departures:

1. Mid-rise – Structure Width and Depth (23.45.052.D)
2. Mid-rise – Side Setback Requirements (23.45.056.C)
3. Mid-rise – Open Space Requirements (23.45.058.A.2)
4. Driveway Width Reduction for two-way Traffic (23.54.030.D)
5. Site Triangle Elimination on the Exit Side of Driveway (23.54.030.G)

SEPA - Regulations for Environmentally Critical Areas (Chapter 25.05 .908 SMC).

SEPA DETERMINATION: ☐ Exempt ☒ DNS ☐ EIS

☐ DNS with conditions

☐ DNS involving non-exempt grading or demolition or
involving another agency with jurisdiction.

**Early Notice DNS published April 01, 2004

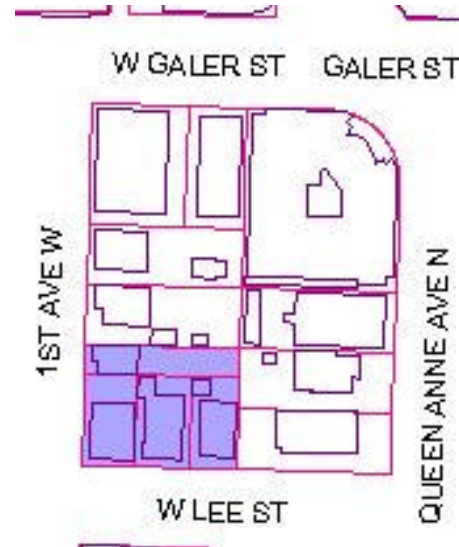
Related Project #2306195, ECA exemption request to waive steep slope development standards was granted, but ECA Geological Hazard Areas submittal standards are still applicable for property addressed 1400 1st Avenue West.

BACKGROUND INFORMATION:

Site Development

The subject site is nearly rectangular in shape and comprises a lot area of approximately 12,762 square feet in the Queen Anne Hill neighborhood. The development site is located within a Multifamily Midrise zone with a height limit of 60 feet (MR). The site is also located within the Queen Anne/Uptown Urban Center Village.

The subject site is located near the top south face of Queen Anne Hill. The site is a corner lot, abutting 1st Avenue West and West Lee Street. The site is located at the intersection's northeast corner, which provides a south and western exposure to the afternoon sunlight. The right-of-way widths are 66 feet for both frontages. The site is relatively flat that gently slopes downward from east to west, approximately 6 feet over a distance of 127 feet. The development site will combine four parcels of land that currently contain one residential structure on each. Three of the four residential structures front West Lee Street with one structure fronting upon 1st Avenue West. The residential structures were built around the turn of the previous century, between the years 1902 through 1928. The three structures fronting along West Lee Street are two (2)-story structures designed in the "Seattle Box" vernacular. The one (1)-story structure fronting 1st Avenue West has less presence upon the streetscape. A modest number of trees and shrubby populate the development site.



The development site occupies the southwest corner of a block that fronts West Galer Street to the north, Queen Anne Avenue North to the east, West Lee Street to the south, and 1st Avenue West to the west. The visibility of the site from Queen Anne Avenue North and along West Lee Street has limited visibility due to street trees and vehicles parked within the right-of-way. On-street parking is in heavy demand with regulated parking around the block. Because of the proximity of a nearby school traffic speed is limited to 20 miles an hour when children are present. Saint Anne's School is located across the corner from the development site. The south approach from West Galer Street is visually open with less structure bulk pushed up to the front property line, while vehicles parked in the right-of-way dominate the streetscape.

Area Development

The site is located at the northend of a Midrise Residential (MR) zoning band, that runs along the north/south axis, in this south Queen Anne Hill neighborhood. All surrounding properties in the immediate vicinity are similarly zoned. Land further to the north, at the beginning of the Upper Queen Anne business district, is zoned Neighborhood Commercial 2 with a 40-foot height limit (NC2-40). Land further to the east is a mixture of residential Multifamily Lowrise (L1 and

LDT), and Single Family (SF 5000), but a steep slope creates an abrupt division between the two zones. To the west a mixture of residential Multifamily Lowrise (L1 - L3, and LDT), and Single Family (SF 5000) zones are present. The greater area slopes dramatically downward from east to west and from north to south.

The immediate neighborhood is a mixture of older lowrise apartments and single family homes, newer midrise apartment buildings, and various church and school properties. Saint Anne's Church and School are located directly across the street from the subject lot. The proximity of this institutions activates the intersection of 1st Avenue West and West Lee Street with both pedestrian and vehicle traffic during peak operating hours. Given the current zoning, it is likely that redevelopment will occur on other nearby properties, particularly those developed with single family homes. On the block of the development alone, three recently permitted residential projects have either been constructed or are nearing completion. A database query for the vacant lot abutting the subject lot to the east revealed plans to construct a six-story apartment building, to be addressed 4 West Lee Street.

The Upper Queen Anne Hill business district features a lively commercial core for the surrounding neighborhood. A vast array of commercial businesses attracts a steady stream of pedestrian and vehicle activity. The burgeoning number of specialty stores, restaurants, and an assortment of other businesses afford a special character, attracting community members from near and far. Queen Anne Avenue North located one block to the east of the subject site, is one of two main arterials to this business district.

Proposal

During the building permit review phase the applicant revised the proposal to incorporate a Land Use component. On March 26, 2004 the applicant submitted an application for a Master Use Permit for Administrative Design Review. The owner proposes to demolish four (4) existing single family structures and erect a six (6)-story multifamily building. The structure to would be oriented towards the West Lee Street frontage with an upper level turret feature strengthen the corner lot's edge. The façade is proposed to be finished predominantly with masonry and will incorporate decks, bay windows and cornice to produce articulated features to create an Italianate-like design to better reflect the vernacular of the area. The 6-story building will feature two levels of parking, one underground with the other at grade level. Above the parking level, five floors will be devoted to residential use, with an average unit size of 1,480 square feet. The building will support a total of 20 residential units and 40 parking stalls. The applicant proposes to install one vehicle access point along 1st Avenue west to the parking levels located within the structure. The lower parking level and at-grade parking level is proposed to be accessed from the northwest corner of the property, abutting 1st Avenue West right-of-way.

Public Comments

Date of Notice of Application:	April 1, 2004
Date End of Comment Period:	April 14, 2004
# Letters	3

The Department received one comment letter during the public comment period and two letters after the comment period concluded. One responded wanted to receive notice of when the decision would be published. The other two letters did not support the departure requests and the

impact of losing potential historic landmark buildings in the neighborhood. The impacts of the requested departure along with the demolition of the existing structure are addressed in the body of this decision.

Ten (10) comment letters were received outside the duration of the comment period. The comment letters received focused attention on proximity of proposed building upon abutting properties and adjacencies to right-of-ways. Several letters directed attention to creating good transition in height, bulk, and scale of the proposed structure to the neighboring properties. Other concerns included location of vehicle access points, the character of (at-grade and above grade) landscaping, and neighborhood character impacts when historical and architectural significance (existing) structures are slated for removal. Reuse of existing materials was noted as a priority to mitigate removal of significant existing buildings. The above concerns were taken into consideration throughout the analysis process. The Historic Preservation Board was asked to determine the historical status of the existing structures. The structure went through several design iterations to address many of the concerns raised by the public.

ANALYSIS - DESIGN REVIEW

Guidelines; Design Response & Recommendation

After visiting the site, considering the analysis of the site, design context provided by the proponents, and reviewing public comment, the Department of Planning and Development has identified the guidelines below to be of high priority identified by letter (A, B, and C, etc.) and number (1, 2, & 3) those siting and design guidelines found in the City of Seattle's "*Design Review: Guidelines for Multifamily and Commercial Buildings*".

The analysis below presents the priority guidelines first, followed by a description of the applicants design response and then the Directors recommendations are stated.

A *Site Planning*

A-1 *Responding to Site Characteristics*

The siting of buildings should respond to specific site conditions and opportunities.

A-3 *Entrances Visible from the Street*

Entries should be clearly identifiable and visible from the street.

A-4 *Human Activity*

New development should be sited and designed to encourage human activity on the street.

A-6 *Transition between Residences and Street*

For residential projects, the space between the building and sidewalk should provide security and privacy for residents and encourage social interaction among residents and neighbors.

A-8 *Parking and Vehicle Access*

Siting should minimize the impact of automobile parking and driveways on the pedestrian environment, adjacent properties and pedestrian safety.

A-10 *Corner Lots*

Buildings on corner lots should be oriented to the corner and public street fronts. Parking and automobile access should be located away from corners.

- The overall scale of the structure should be compatible with other buildings in the immediate area and a finer scale should be employed.
- One vehicle entrance to the right-of-way system should be taken from 1st Avenue West and designed to be clearly visible to the street.
- A pronounced pedestrian gateway entrance should be sited along West Lee Street that takes advantage of landscape and design features to create a visual focus.
- The proposed building should make a bold statement at the street edge to strengthen its presence on the corner.
- The location of the residential first floor should provide similar relationship to the sidewalk grade as existing residential structures in the area.

A-1 *Responding to Site Characteristics*

The siting of buildings should respond to specific site conditions and opportunities.

The revised design submitted to DPD staff on July 16, 2004, strengthened the proposed building's presence by siting the building towards the intersection of First Avenue West and West Lee Street. A medieval-like turret provides a focal point to visual anchor the corner.

A-3 *Entrances Visible from the Street*

Entries should be clearly identifiable and visible from the street.

The revised design reconfigured vehicle access to both parking levels to take advantage of one driveway in the rear setback, away from pedestrian access points. The primary pedestrian access has been terraced and landscape with benches to clearly define the space for pedestrian activity. The canopy above the entry doors visually frames the front entrance to create a "gateway" along West Lee Street. The entry pathway surface will be scored and colored to further demark pedestrian access entry.

A-4 *Human Activity*

New development should be sited and designed to encourage human activity on the street.

As noted under A-3, the building features bench seats and landscaping elements to encourage human interaction at street level. Quality landscaping along the building's street frontage and in the right-of-way is designed to promote a pleasant environment with rich colors exploding seasonally.

A-6 *Transition between Residences and Street*

For residential projects, the space between the building and sidewalk should provide security and privacy for residents and encourage social interaction among residents and neighbors.

The updated design submitted to DPD addressed the concern of the vertical space between the residential level and street by berming-up the grade around the structure's street frontage with quality landscaping. Privacy and security has been addressed along the street frontages in horizontal space with the limited pedestrian access points. One bench seat is proposed in each of the two street frontages to encourage neighbors and residents to interact in the right-of-way.

A-8 *Parking and Vehicle Access*

Siting should minimize the impact of automobile parking and driveways on the pedestrian environment, adjacent properties and pedestrian safety.

As noted under A-3, the vehicle parking and access will be taken from First Avenue West. Six parking stalls within the proposed building are located at street level behind the landscaped berm area. The lower level parking garage is approximately 9 feet below street grade and is anticipated to have a minimal impact on adjacent uses.

A-10 Corner Lots

Buildings on corner lots should be oriented to the corner and public street fronts. Parking and automobile access should be located away from corners

The design featured the turret-like element on the corner to provide a focal point. The parking access is located along First Avenue West at the furthest point from the street corner.

B Height, Bulk and Scale

B-1 Height, Bulk and Scale

Projects should be compatible with the scale of development anticipated by the applicable Land Use Policies for the surrounding area and should be sited and designed to provide a sensitive transition to near-by , less-intensive zones.

- The site is surrounded by properties of similar or greater height, so there is no zone transition issue.
- Take advantage of the rhythm and proportion of existing structures in the surrounding area, in particular masonry buildings in order to create a similar human scale and proportion. The design should be respectful in design to the adjacent buildings, honoring there historic characteristics

B-1 Height, Bulk and Scale

Projects should be compatible with the scale of development anticipated by the applicable Land Use Policies for the surrounding area and should be sited and designed to provide a sensitive transition to near-by , less-intensive zones

The updated design submitted to DPD was informed by buildings in the neighborhood taking cues from modulation, roof top features, fenestration, and building details. The building design stayed within scale of similar sized buildings in the area. The application of modulation features including decks and bay windows along the street facades visually reduced the building's scale.

C Architectural Elements and Materials

C-1 Architectural Context

New buildings proposed for existing neighborhoods with a well-defined and desirable character should be compatible with or complements the architectural character and siting pattern of neighboring buildings.

C-3 Human Scale

The design of new buildings should incorporate architectural features, elements and details to achieve a good human scale.

- The proposed structure should take into consideration deck and bay windows features to add character, texture, and layers to create visual excitement upon the streetscape.

- The existing medieval-like turret on the water tower which looms atop the ridge due east of the subject site, provides a strong visual image for the area and is one of many strong architectural elements in the area that should inform the design of the new structure, and integrate the new building into the architectural character of the area.
- Street level facades for the lower half of the structure should provide design themes that enhance pedestrian experiences along the right-of-way and create a fine scaled appearance of the building's bulk.
- The Queen Anne Hill/Uptown Urban Center Village Guideline's section on architectural elements and materials should be consulted as you move into the final design.
- See comments in Site Planning.

C-1 Architectural Context

New buildings proposed for existing neighborhoods with a well-defined and desirable character should be compatible with or complements the architectural character and siting pattern of neighboring buildings.

As noted under B-1, the architect canvassed the neighborhood to inform design detail at the development site. The finished materials are proposed to be sensitive to existing buildings in the vicinity.

C-3 Human Scale

The design of new buildings should incorporate architectural features, elements and details to achieve a good human scale.

DPD supports the proposed design of the six (6)-story brick and stucco structure, which includes quality landscaping, textured pedestrian pathways, parapet, and façade projections to reduce the appearance of bulk along the street frontage.

D Pedestrian Environment

D-2 Blank Walls

Buildings should avoid large blank walls facing the street, especially near sidewalks.

D-3 Retaining Walls

Retaining walls near a public sidewalk that extend higher than eye level should be avoided where possible.

- Blank walls should be avoided whenever possible.
- If retaining walls are present and visible to the street, the surface should be designed with relief's and/or patterns to make the walls visually engaging.

D-2 Blank Walls

Buildings should avoid large blank walls facing the street, especially near sidewalks.

DPD supports the proposed design of the six (6)-story brick and stucco structure, which features bay windows, a turret to anchor the corner, and decks.

D-3 Retaining Walls

Retaining walls near a public sidewalk that extend higher than eye level should be avoided where possible.

The updated design submitted to DPD includes a low retaining wall system along West Lee Street. The proposed landscaped area framing the pedestrian entrance is terraced upward and away to punctuate the main entrance relationship to the sidewalk grade. The retaining wall in the rear adjacent to the driveway ramp is below sidewalk grade and will not visually impact pedestrian activity along First Avenue West.

E Landscaping

E-1 landscaping to Reinforce Design Continuity with Adjacent Sites

Where possible, and where there is not another overriding concern, landscaping should reinforce the character of neighboring properties and abutting streetscape.

E-2 Landscaping to Enhance the Building and/or site

Landscaping, including living plants, special pavement, trellises, screen walls, planters, site furniture and similar features should be appropriately incorporated into the design to enhance the project.

E-3 Landscape Design to Address Special Site Conditions

The landscape design should take advantage of special on-site conditions such as high-bank front yards, steep slopes, view corridors, or existing significant trees and off-site conditions such as greenbelts, ravines, natural areas, and boulevards.

Where appropriate, landscaping should enhance the prior guidelines, by creating interesting and creative displays of hanging gardens and trellising at grade level.

E-1 Landscaping to Reinforce Design Continuity with Adjacent Sites

Where possible, and where there is not another overriding concern, landscaping should reinforce the character of neighboring properties and abutting streetscape.

The updated design submitted to DPD includes a richly landscaped grand pedestrian entrance, which features a variety of ground covers, vines, low trees, bench seating. The right-of-way planting strip will be richly landscaped to complement the variety of vegetation at the development site.

E-2 Landscaping to Enhance the Building and/or site

Landscaping, including living plants, special pavement, trellises, screen walls, planters, site furniture and similar features should be appropriately incorporated into the design to enhance the project.

See E-1 for further discussion of the landscape plan. The development site will be framed with vigorous landscape features including street benches, decorative paving, and terraced planting boxes. This landscaping frame extends to the curbs in the right-of-way. The urban forestry division enthusiastically supported the landscaped plan for West Lee Street and First Avenue West.

E-3 Landscape Design to Address Special Site Conditions

The landscape design should take advantage of special on-site conditions such as high-bank front yards, steep slopes, view corridors, or existing significant trees and off-site conditions such as greenbelts, ravines, natural areas, and boulevards.

DPD supports the proposed landscaped design, which will take advantage of a corner lot with southwestern exposure.

Departure from Development Standards & Director's Analysis

The following **departures** from the standards set forth in the Land Use Code were requested by the applicant.

1. *Structure Width and Depth – to allow an increase in structure width and depth from the maximum required 40 feet width (without modulations meeting modulation standards) to 117.0833 feet, and 65% lot depth to 70.25% (SMC 23.45.052.D).* The development site width is 128 feet and lot depth is 100 feet. The applicant proposes to site the proposed building an additional 4 feet away from the front ten foot setback line, and feature bay windows and decks to break up the appearance of bulk along the front and side facades. The Director agrees with the applicant that a well modulated building with rich landscaping would result in a superior proposal as a whole. DPD supports the departure request for increased structure width and depth in order to accommodate the modulated form along the front and side façade with a few conditions.

In order to strengthen the proposed building's classical form the cornice above the turret-like element shall elevate above the height of the roof level's parapet. The deck railing shall be redesigned to be more decorative. The canopy shall be designed to better articulate the building form. In support of Design Guidelines A-1, A-3, B-1, C-1, and C-3 the design with the above mentioned conditions should strengthen the design composition with the granting of the departure. The proposed building has successfully achieved architectural compatibility with a well portioned design that has responded to site characteristics.

2. *Side Setback Requirements – to allow a decrease in side setback from the minimum side setback of ten feet:* The Code establishes a minimum setback of ten feet on this reversed corner lot (SMC 23.45.56.C). The applicant has proposed to reduce side setbacks above the ground floor to 5' - 9 1/2" along the street side setback, and to 5' 6" above the first level (residential units) along the east facade in order to accommodate vertical window bays that would run along the facades. Along the street side setback the façade at grade would be 10 feet with the façade stepping to eight feet above the first level. The façade along the east would be set at 7' - 11 1/2" A 4'5" from the property line.

DPD supports the departure for the decreased side setback, determining that the window bays would provide appropriate modulation to this façade and contribute to a desirable design composition as a whole. The proposed building increased the front setback to obtain a better scale and opportunities for social interaction along First Avenue West frontage. Decreasing the side setback will enable the design to provide well-defined modulated features to add character in scale. Robust landscaping is proposed in the right-of-way will be a continuation of the proposed landscaped at the development site should successfully achieve an active and vibrant buffer along the west and south facades. (A-4, A-6, C-3 and E-2)

3. *Open Space Requirements – to allow less than the required open space requirement of 25% of lot area:* The Code establishes an open space requirement of 30% for apartment uses when open space is proposed to be located at and above grade so long as the above grade open space does not exceed 1/3 of the required open space (SMC 23.45.058) which equals 3,829 square feet for the development site. The applicant has proposed 3,314 square feet of open space. The open space at grade level will be enveloped within 3,265

square feet of landscaped area. The above grade open space will encompass a maximum area of 1,661 square feet on five levels. The applicant proposes to increase above grade open space in the form of decks and balconies above the required amount (1,276 sq. ft.) to approximately 50% of the open space area. Ground level open space area is proposed in the amount of 1,653 square feet within a larger area designated for required landscaping. Of the 3,829 square feet of open space required, 3,314 square feet of open space complies with Code dimensions requirements at and above grade level, which represents providing 87% of the required amount. If one includes the landscaped areas then the areas dedicated to providing opportunities for recreation which are predominately open to the sky then area would be 4,926 square feet well above the required amount.

DPD supports the departure request for the decreased open space, determining that a high quality, well-developed and highly functional landscaping plan would adequately mitigate the impacts of the open space dimensional deficiency. Furthermore, DPD and the City's Forester agree that proposed landscaping within the right-of-way went well beyond development standards to increase the overall aesthetic integrity at the ground level of the site. In support of Design Guidelines A-6, C-3, and E-2, the proposed landscaping features in the right-of-way, landscaped areas, and open space areas as a whole provide green areas to mitigate the loss of open space on site with the granting of the departure.

4. *Driveway Width Reduction for two-way Traffic – to allow a reduction in the width of a two-way driveway to the project site:* The Code requires that a two-way residential driveway in excess of 100 feet in length and serving more than 30 parking stalls shall have a minimum width of 20 feet (SMC 23.54.030.D). The applicant has proposed to introduce a planter box (58 feet by 3 feet) within the driveway area which precipitated a 3 foot reduction in driveway width. DPD supports the departure for the 17 foot wide driveway in order to maintain the design of the apartment building to accommodate structure height and access to underground parking. **In support of Design Guidelines C2 and C5 design features should be incorporated to better define and provide visual interest to the garage access entrance.** A landscaped area between the driveway and structure provides a subtle frame to add elegance in the rear setback. The retaining wall will be scored to break the appearance of bulk and add depth to the wall which is in keeping with C-1, D-3, and E-2.
5. *Site Triangle Elimination on the Exit Side of Driveway – to allow removal of one of two site triangles at the project site:* The Code requires a site triangle on either side of a two-way driveway that less than twenty-two feet wide (SMC 23.54.030.G). The applicant has proposed to locate the driveway adjacent to the rear property line which has eliminated the opportunity to site the triangle on the exit side of the driveway, in order to accommodate the siting of the proposed structure. **DPD supports the departure for the removal of the site triangle on the exit side of the driveway provided that some safety devices such as mirrors, lights, or controlled low level audible signals be included to warn pedestrians within the right-of-way and on-site.** In support of A-8, the pedestrian environment will be richly landscaped with safety devices present to clearly indicate movement of vehicles egression the site.

Table: Departure Summary

<i>Development Standard</i>	<i>Proposed</i>	<i>Comment/Rationale</i>	<i>DPD Action</i>
1. Structure Width 23.45.052.A Minimum width without modulation shall be 40 feet, Building Depth 23.45.052.B 65% of lot depth or 65 feet for development site	Structure width without modulation is 117.0833 feet Structure depth is 70.25 feet	To set up a rhythm of materials, fenestration, and architectural elements to lend scale and cadence. To enhance the buildings character with the inclusion of projection features.	Approved
2. Side Setback Requirement 23.45.056 10 feet	7.5 feet minimum with 2.7 maximum projections.	Bay windows and turrets elements in the setback area add good modulation and scale. See comments above.	Approved
3. Open Space 23.45.058.A.2 30% of lot area when a maximum of (1/3) required open space is in the form of decks and balconies. Required 3,829 sq. ft.	3,314 sq. ft. total with 1,653 sq. ft. at grade (50 % or 1,661 sq. ft. will be in the form of decks and balconies)	The building will be framed at ground level with dramatic landscaped detailing both on and off- site (ROW planting strip). The landscaped area on either side of the sidewalk will enhance the pedestrian experience around the development site.	Approved
4. Residential Driveway Width Requirement 23.54.030.D.1.d 20 feet wide tapered to 10 feet at property line	17 feet along the entire length	To allow a uniformed landscaped feature between the driveway and structure. The driveway ramp would otherwise impact structure height calculations.	Approved
5. Site Triangle Requirement 23. 54.030.G.1 10 feet X 10 feet intersection from sidewalk edge on either side of two-way driveway	One site triangle on entrance side of driveway	Driveway ramp down to below grade parking is proposed along rear property line.	Approved – Conditioned to minimize impacts to safety.

DECISION – DESIGN REVIEW

Summary

Design, siting or architectural details not specifically identified or altered in these recommendations are expected to remain as presented in the plans submitted on July 20, 2005. After considering the site and context, considering public comment, reconsidering the previously identified design priorities, and reviewing the plans and renderings, DPD **APPROVES** the subject design including the five departures from the development standards.

Director's Decision

The design review process is prescribed in Section 23.41.014 of the Seattle Municipal Code. The design of the proposed project was found by DPD to adequately conform to the applicable Design Guidelines. DPD finds the proposed design to be consistent with the City of Seattle Design Review Guidelines for Multifamily and Commercial Buildings. Therefore, the Director **approves** the proposed design, including the five (5) departure requests from the development standards subject **to the conditions identified below**.

SEPA DETERMINATION

The development site is located in a steep slope critical area, thus the application is not exempt from SEPA review. An Environmental Critical Areas (ECA) Exemption Requests & Modifications to Submittal Requirements was applied for and conditionally waived. The ECA Steep Slope Development Standards were waived pursuant to 25.09.040 on October 6, 2003, but the Geological Hazard Areas Development Standards as well as other applicable ECA standards will apply to the project. However, SMC 25.05.908 provides that the scope of environmental review of projects within critical areas shall be limited to: 1) documenting whether the proposal is consistent with the City's Environmentally Critical Areas (ECA) regulations in SMC 25.09; and 2) Evaluating potentially significant impacts on the critical area resources not adequately addressed in the ECA regulations. This review includes identifying additional mitigation measures needed to protect the ECA in order to achieve consistency with SEPA and other applicable environmental laws.

The initial disclosure of the potential impacts from this project was made in the environmental checklist submitted by the applicant (dated March 26, 2004) and annotated by the Land Use Planner. The information in the checklist, the supplemental information submitted by the applicant and the experience of the lead agency with the review of similar projects form the basis for this analysis and decision.

The SEPA Overview Policy (SMC 25.05.665) clarifies the relationship between codes, policies and environmental review. Specific policies for each element of the environment, certain neighborhood plans, and other policies explicitly referenced may serve as the basis for exercising substantive SEPA authority. Environmental review resulting in a Threshold Determination is required pursuant to the Seattle State Environmental Policy Act (SEPA), WAC 197-11, and the Seattle SEPA Ordinance (Seattle Municipal Code Chapter 25.05).

The Overview Policy states, in part, "Where City regulations have been adopted to address an environmental impact, it shall be presumed that such regulations are adequate to achieve sufficient mitigation" subject to some limitations. Under such limitations/circumstances (SMC 25.05.665) mitigation can be considered.

Short-term Impacts

The following temporary or construction-related impacts are expected: decreased air quality due to suspended particulate from building activities and hydrocarbon emissions from construction vehicles and equipment; increased dust caused by drying mud tracked onto streets during construction activities; increased traffic and demand for parking from construction equipment and personnel; conflict with normal pedestrian movement adjacent to the site; increased noise; and consumption of renewable and non-renewable resources.

Several adopted codes and/or ordinances provide mitigation for some of the identified impacts. The Stormwater, Grading and Drainage Control Code regulates site excavation for foundation purposes and requires that soil erosion control techniques be initiated for the duration of construction. The ECA ordinance and DR 3-93 and 3-94 regulate development and construction techniques in designated ECA areas with identified geologic hazards. The Street Use Ordinance requires debris to be removed from the street right of way, and regulates obstruction of the pedestrian right-of-way. Puget Sound Air Pollution Control Agency regulations require control of fugitive dust to protect air quality. The

Building Code provides for construction measures and life safety issues. Finally, the Noise Ordinance regulates the time and amount of construction noise that is permitted in the city. Compliance with these applicable codes and ordinances will reduce or eliminate most short-term impacts to the environment and no further conditioning pursuant to SEPA policies is warranted

Due to the fact that grading will be undertaken during construction, additional analysis of earth and grading impacts is warranted.

Historic and Cultural Preservation - Construction of the proposed six-story residential building structure will necessitate the demolition of the existing four residential structures. An evaluation of potential historic significance was requested on April 29, 2004 to determine if the structures are deemed to be added to the rolls of landmark buildings within the City of Seattle. In accordance with the *Department of Planning and Development – Department of Neighborhoods Interdepartmental Agreement on Review of Historic Building during SEPA Review*; the planner referred approval to the Historic Preservation Officer. The Historic Preservation Officer evaluates criteria for determining landmark structures," in response to the SEPA Historic Preservation Policy (SMC 25.05.675.H2.c). The review of the impacts associated with the proposed project does not require further design mitigation, as determined by the Landmarks Preservation Board, (LPB 258/05) in a letter dated June 6, 2005.

Earth - The initial disclosure of the potential impacts from this project was made in the environmental checklist submitted by the applicant dated March 26, 2004. The information in the checklist, a Geotechnical Report prepared by Geo Group Northwest, Inc., dated November 29, 2004 and supplement dated December 23, 2003, public comment, and the experience of the lead agency with review of similar projects form the basis for this analysis and decision. Note that pursuant to SMC 25.05.908.B, the scope of the environmental review of the subject short subdivision is limited to:

1. Documenting whether the proposal is consistent with The City of Seattle Regulations for Environmentally Critical Areas, SMC Chapter 25.09; and
2. Evaluating potentially significant impacts on the environmentally critical area resources not adequately addressed in The City of Seattle Environmentally Critical Areas Policies or the requirements of SMC Chapter 25.09, Regulations for Environmentally Critical Areas, including in additional mitigation measures needed to protect the environmentally critical areas in order to achieve consistency with SEPA and other applicable environmental review laws.

The undersigned planner has analyzed the environmental checklist submitted by the project applicant; reviewed the project plans and the additional information in the file; and any comments which may have been received regarding this proposed action have been considered. As indicated in the checklist, this action may result in impacts to the environment. However, due to their temporary nature and limited effects, the impacts are not expected to be significant.

Codes and development regulations applicable to this proposed project will provide sufficient mitigation and no further conditioning or mitigation is warranted pursuant to the SEPA Overview Policy (SMC 25.05.665).

Traffic - Construction of the project is proposed to last for several months. The Street Use Ordinance includes regulations that mitigate dust, mud, and circulation. Temporary closure of sidewalks and/or traffic lane(s) would be adequately controlled with a street use permit through the Department of Transportation, and no further SEPA conditioning would be needed.

Air and Environmental Health - Given the age of the existing structure on the site, it may contain asbestos, which could be released into the air during demolition. The Puget Sound Clean Air Agency (PSCAA), the Washington Department of Labor and Industry, and EPA regulations provide for the safe removal and disposal of asbestos. In addition, federal law requires the filing of a demolition permit with PSCAA prior to demolition.

Construction is expected to temporarily add particulates to the air and will result in a slight increase in auto-generated air contaminants from construction worker vehicles; however, this increase is not anticipated to be significant. Federal auto emission controls are the primary means of mitigating air quality impacts from motor vehicles as stated in the Air Quality Policy (Section 25.05.675 SMC). No unusual circumstances exist, which warrant additional mitigation, per the SEPA Overview Policy.

Long-term Impacts

Long-term or use-related impacts are also anticipated as a result of this proposal including: increased surface water runoff due to greater site coverage by impervious surfaces; increased bulk and scale on the site; increased traffic in the area and increased demand for parking; increased demand for public services and utilities; loss of plant and animal habitat; and increased light and glare.

Several adopted City codes and/or ordinances provide mitigation for some of the identified impacts. Specifically these are: the ECA Ordinance, the Stormwater, Grading and Drainage Control Code which requires provisions for controlled tightline release to an approved outlet and may require additional design elements to prevent isolated flooding. The City Energy Code will require insulation for outside walls and energy efficient windows. The Land Use Code controls site coverage, setbacks, building height and use and contains other development and use regulations to assure compatible development. Compliance with these applicable codes and ordinances is adequate to achieve sufficient mitigation of most long term impacts and no further conditioning is warranted by SEPA policies. Potential long-term impacts that may occur on the identified environmentally critical area as a result of this project include: 1) increased surface water runoff from greater site coverage by impervious surfaces. This long-term impact is not considered significant because the impacts are minor in scope.

CONCLUSION - SEPA

In conclusion, several adverse effects on the environment are anticipated resulting from the proposal, which are non-significant. The conditions imposed below are intended to mitigate specific impacts identified in the foregoing analysis, or to control impacts not regulated by codes or ordinances, per adopted City policies.

DECISION – SEPA/ECA

This decision was made after review by the responsible official on behalf of the lead agency of a completed environmental checklist and other information on file with the responsible department. This constitutes the Threshold Determination and form. The intent of this declaration is to satisfy the requirement of the State Environmental Policy Act (RCW 43.21.C), including the requirement to inform the public of agency decisions pursuant to SEPA.

- [X] Determination of Non-Significance. This proposal has been determined to not have a significant adverse impact upon the environment. An EIS is not required under RCW 43.21.030(2) (c).
- [] Determination of Significance. This proposal has or may have a significant adverse impact upon the environment with respect to transportation, circulation, and parking. An EIS limited in scope to this specific area of the environment was therefore required under RCW 43.21C.030(2)(C).

CONDITIONS – DESIGN REVIEW

The owner(s) and/or responsible party(s) shall:

Non-appealable conditions

1. Any proposed changes to the exterior of the building or the site or must be submitted to DPD for review and approval by the Land Use Planner (Bradley Wilburn, 615-0508). Any proposed changes to the improvements in the public right-of-way must be submitted to DPD and SDOT for review and for final approval by SDOT.
2. Compliance with all images and text on the MUP drawings, design review meeting guidelines and approved design features and elements (including exterior materials, landscaping and ROW improvements) shall be verified by the DPD planner assigned to this project (Bradley Wilburn, 615-0508), or by the Design Review Manager. An appointment with the assigned Land Use Planner must be made at least (3) working days in advance of field inspection. The Land Use Planner will determine whether submission of revised plans is required to ensure that compliance has been achieved.
3. Embed all of these conditions in the cover sheet for the MUP permit and for all subsequent permits including updated MUP plans, and all building permit drawings.
4. Embed the 11 x 17 colored elevation drawings from the DR Recommendation meeting and as updated, into the MUP plans prior to issuance, and also embed these colored elevation drawings into the Building Permit Plan set in order to facilitate subsequent review of compliance with Design Review.

Prior to Issuance of Building Permit Update Plans to Show

Submit to DPD for review and approval:

5. A detailed vehicle entrance/exiting plan that provides attractive safety devices (including surface materials, sound, signs, light, etc.) that demarks the vehicle access while protecting pedestrian safety within the right-of-way.
6. The cornice above the turret-like element shall extend above the height of the (roof level) by no more than would be allowed by the height limit.
7. Design and install decorative deck railings on all levels of deck intended for residential use. The decorative railings should be sensitive to providing an attractive feature upon the façade that fits within the classical design theme of the proposed building.
8. A canopy detailed that is more in line with the classical style of the building.
9. Uniform flat colored bricks shall be used to create a varicolored pattern at the mid and lower levels.

Prior to Start of Construction Activities

10. Arrange a pre-construction conference with the contractor and the Land Use Planner.

During Construction

The following condition(s) to be enforced during construction shall be posted at the site in a location on the property line that is visible and accessible to the public and to construction personnel from the street right-of-way. If more than one street abuts the site, conditions shall be posted at each street. The conditions will be affixed to placards prepared by DPD. The placards will be issued along with the building permit set of plans. The placards shall be laminated with clear plastic or other waterproofing material and shall remain posted on-site for the duration of the construction.

11. All proposed changes to the exterior facades of the building and landscaping on site and in the ROW must be reviewed by a Land Use Planner prior to proceeding with any proposed changes.

Prior to Issuance of a Certificate of Occupancy

12. Compliance with the approved design features and elements, including exterior materials, parapets, facade colors, landscaping and ROW improvements, shall be verified by the DPD Planner assigned to this project or by the Manager of the Urban Design Program. Inspection appointments with the Planner must be made at least 3 working days in advance of the inspection.

Prior to Issuance of the Certificate of Occupancy and for the Life of the Project

13. The proposed landscaping within the right-of-way shall be preserved.

Compliance with all applicable conditions must be verified and approved by the Land Use Planner, Bradley Wilburn, (206 615-0508) or the Manager of the Urban Design Program, Vince Lyons, (206 233-3823) at the specified development stage, as required by the Director's decision.

The Land Use Planner shall determine whether the condition requires submission of additional documentation or field verification to assure that compliance has been achieved. **Prior to any alteration of the approved plan set on file at DPD, the specific revisions shall be subject to review and approval by the Land Use Planner.**

CONDITIONS - SEPA

None.

Signature: (signature on file) Date: August 1, 2005
Bradley Wilburn, Land Use Planner
Department of Planning and Development
Land Use Services